

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
EASTERN DIVISION**

**UNITED STATES OF AMERICA
for the Use and Benefit of SIMMONS
EROSION CONTROL, INC., and
SIMMONS EROSION CONTROL, INC.**

PLAINTIFFS

vs.

CASE NUMBER: 4:06cv89-TSL-LRA

**ASHBRITT, INC., ASHBRITT
ENVIRONMENTAL SERVICES, INC.,
and FEDERAL INSURANCE COMPANY**

DEFENDANTS

AGREED ORDER OF DISMISSAL WITH PREJUDICE

CAME ON before this Court the joint *ore tenus* motion of the parties to dismiss this civil action with prejudice based upon the parties' settlement, and the Court, after having heard and considered said motion, finds that said motion is well-taken and shall be and hereby is granted.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED that this civil action and all claims which were brought and/or could have been brought herein shall be and hereby are dismissed with prejudice.

SO ORDERED AND ADJUDGED, this the 19th of October, 2007.

/s/Tom S. Lee

The Honorable Tom S. Lee
United States District Judge

AGREED:

/s/ Robert C. Williamson

Robert C. Williamson, Counsel for Defendants

/s/ Ralph B. Germany, Jr.

Ralph B. Germany, Jr., Counsel for Plaintiffs